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PTO/SB/21 (01-09)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission --38--

| | |
|------------------------|------------------------|
| Application Number | 10/576,653 |
| Filing Date | November 16, 2006 |
| First Named Inventor | Wei CHENG |
| Art Unit | 1624 |
| Examiner Name | Cecilia M. JAISLE |
| Attorney Docket Number | 05-937-B5/EX04-066C-US |

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
 - ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
below):
 - 1) Response and Amendment To Final Office
Action (37 pages). 2) Return Receipt
Postcard.

Remarks

Please note that this submission was filed via Express Mail, Post Office to Addressee, using Tracking Number EV 938 355 422 US.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------------|----------|--------|
| Firm Name | EXELIXIS, Inc. | | |
| Signature | <i>Robert L. Bernstein</i> | | |
| Printed name | Robert L. Bernstein | | |
| Date | February 25, 2009 | Reg. No. | 46,020 |

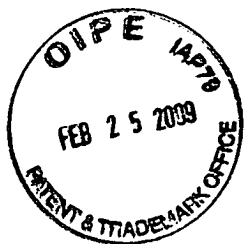
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| Signature | <i>Laura A. Huntington</i> | | |
| Typed or printed name | Laura A. Huntington | Date | February 25, 2009 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|------------------------|
| In re Patent Application of Wei CHENG <i>et al.</i> | } | |
| | } | |
| Application No.: 10/576,653 | } | Confirmation No.: 5425 |
| | } | |
| Filing Date: November 16, 2006 | } | |
| (Or 371(c) Date) | } | Group Art Unit: 1624 |
| | } | |
| Examiner: Cecilia M. JAISLE | } | |
| | } | |
| Entitled: P70S6 KINASE MODULATORS AND | } | |
| METHOD OF USE | } | |

RESPONSE AND AMENDMENT TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Official Action dated November 25, 2008, and in accordance with the provisions of 37 C.F.R. § 1.116, Applicants submit the following Amendment for entry in the above-identified case.

There are no amendments made to the specification.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 36 of this paper.